



PATENT  
Attorney Docket No. 101.0052-01000  
Customer No. 22882

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )

Gary Karlin Michelson )

Serial No.: 09/412,082 )

Filed: October 4, 1999 )

For: Method for Inserting Frusto-Conical )  
Interbody Spinal Fusion Implants )

Group Art Unit: 3732

Examiner M. Brown

Assistant Commissioner for Patents  
Washington, D.C. 20231

TC 3700 MAIL ROOM

FEB 26 2001

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Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Further to the Information Disclosure Statement dated April 13, 2000 and pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), applicant brings to the attention of the Examiner the documents listed on the attached PTO 1449. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final Action or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of English language abstracts, Search Reports, or in some cases where available, more complete translations or U.S./U.K. related patents of the listed non-English documents (previously cited) are attached.

Please note that in the IDS submitted April 13, 2000, ES 283078 is related to

02/21/2001 MYUSUF 00000110 09412082

01 FC:126

180.00 00

U.S. Patent No. 4,877,020; JP 57-29348 is related to U.S. Patent No. 4,349,921; and JP 61-122859 is related to U.S. Patent No. 4,759,766, all of which were also submitted in the IDS dated April 13, 2000. Additionally, the applicant submits herewith the following U.S./U.K. related patents corresponding with the following non-English references:

GB 1291470	relates to	DE 1961531
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GB 1492990	relates to	DE 2446039
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GB 1531487	relates to	FR 2295729
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US 5,279,292	relates to	DE 4104359
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Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicant(s) determine(s) that the cited document(s) do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

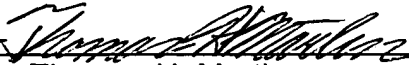
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Date: February 15, 2001

By:   
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**CERTIFICATE OF MAILING VIA FIRST CLASS MAIL**

Date of Deposit: February 15, 2001

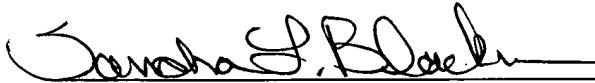
I hereby certify that:

1. Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97(c)
2. Form PTO-1449
3. Copies of Documents cited therein
4. Check in the amount of \$180.00
5. Self-addressed return postcard receipt

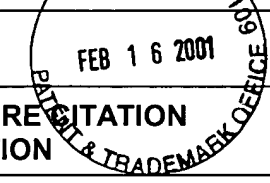
are being deposited with the United States Postal Service to Addressee with sufficient postage as first class mail under 37 C.F.R. § 1.8 on the date indicated above and are addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

Date: February 15, 2001

  
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Chantilly, VA 20151-1101  
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Substitute for FORM PTO-1449				Attorney Docket Number 101.0052-01000		Application Number 09/412,082	
<b>INFORMATION DISCLOSURE CITATION IN AN APPLICATION</b>				Applicant Gary Karlin Michelson			
(Use several sheets if necessary) Sheet <u>1</u> of <u>2</u>				Filing Date October 4, 1999		Group Art Unit 3732	
						Examiner M. Brown	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE	
	5,279,292	01/1994	Baumann				
<b>FOREIGN PATENT DOCUMENTS</b>							
	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION (YES/NO)	
	0 162 005	11/1985	Europe			Abstract Only	
	0 179 695	09/1985	Europe			Yes	
	2 581 336	11/1986	France			Abstract Only	
	2 295 729	07/1976	France			U.K. Equivalent GB 1531487	
	2 703 580	10/1994	France			Abstract Only	
	1 961 531	07/1970	Germany			U.K. Equivalent GB 1291470	
	24 46 039	04/1975	Germany			U.K. Equivalent GB 9492990	
	31 01 333 A1	12/1981	Germany			Abstract Only	
	31 32 520 A1	06/1982	Germany			Abstract Only	
	35 05 567 A1	06/1986	Germany			Abstract Only	
	36 08 163 A1	09/1987	Germany			Abstract Only	
	41 04 359 A1	08/1992	Germany			U.S. Equivalent US 5,279,292	
	43 02 397 A1	07/1993	Germany			Abstract Only	
	1291470	10/1972	Great Britain			N/A	
	1492990	11/1977	Great Britain			N/A	
	1531487	11/1978	Great Britain			N/A	
	57-29348	02/1982	Japan			U.S. Equivalent US 4,349,921	
	60-31706	02/1985	Japan			Yes	
	60-43984	03/1985	Japan			Yes	
	61-122859	06/1986	Japan			U.S. Equivalent US 4,759,766	
	62-155846	07/1987	Japan			Yes	
	1107854	08/1984	Soviet Union	623	17	Yes	
	1124960	11/1984	Soviet Union			Abstract Only	



	1217374	03/1986	Soviet Union		Abstract Only
	1222254	04/1986	Soviet Union		Abstract Only
	283078	05/1985	Spain		U.S. Equivalent US 4,877,020
	106 101	07/1939	Sweden		English Language Search Report

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)**

<b>EXAMINER</b>	<b>DATE CONSIDERED</b>

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP § 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to the applicant.